

**Response**

Applicant: Antti Kokkinen

Serial No.: 10/688,640

Filed: October 17, 2003

Docket No.: 200701903-2

Title: UPDATE SYSTEM EMPLOYING REFERENCE SOFTWARE TO REDUCE NUMBER OF UPDATE PACKAGES

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**REMARKS**

The following remarks are made in response to the Office Action mailed December 30, 2008. Claims 1-24 were rejected. With this Response, no claims have been amended. Claims 1-24 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

The Examiner rejected claims 1-7 and 9-11 under 35 U.S.C. § 102(e) as being anticipated by Chiang, U.S. Patent Application Publication No. 2004/0062130 ("Chiang").

Applicant submits that Chiang fails to teach or suggest the limitations recited by independent claim 1 including **generating an update package, the update package being generated based upon difference information between the at least one software application and at least one reference software installed on the electronic device; updating the at least one software application using the update package and the reference software; and wherein the updating leaves the at least one reference software unchanged.**

**Chiang** discloses generating a difference file in a first computer system from an original version and a new version of an electronic file. The updating component or algorithm generates a copy of the new file on a second computer system using the difference file and the hosted copy of the original file. (Para. [0026]). **Chiang** discloses that the first communication system 102 receives an original, or old, version 110 and a new version 112 of an electronic file. (Para. [0028]; and Fig. 1). The file differencing algorithm 114 receives the new file 112, compares it to the original file 110, and calculates the byte-level differences between the compared files to generate a difference or delta file 116. (Para. [0029]; and Fig. 1). The delta file is transferred or transmitted to another computer system 104. The file updating algorithm 118 hosted on the receiving computer 104 uses the delta file 116 along with the hosted original file 110 to generate or create a copy of the new file 112. This copy of the new file 112 is then used to update the original file 110 hosted on the client device 104 that is targeted for revision or updating. (Para. [0031]; and Fig. 1). The copy of the new file

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is written from reserved memory into the original memory locations containing the original file, thereby replacing the original file. (Para. [0055]).

The Examiner submits that original file 110 and new file 112 of first communication system 102 disclosed in Figure 1 of Chiang discloses the reference software and the software application, respectively, as recited by claim 1. (Office Action, page 3). Communication system 102 is not the system being updated in Chiang. Communication system 104 is updated in Chiang. Therefore, original file 110 and new file 112 of first communication system 102 do not disclose the update package being generated based upon difference information between the at least one *software application and at least one reference software installed on the electronic device* since original file 110 and new file 112 of first communication system 102 are not installed on the electronic device that is being updated.

The Examiner also submits that hosted original file 110 of computer system 104 disclosed in Figure 1 of Chiang discloses the reference software recited by claim 1. (Office Action, page 3). Hosted original file 110 of computer system 104 is not *reference software*, rather it is the software application that is being updated. Computer system 104, which is being updated, does not include both a *software application and reference software* as recited by claim 1.

The Examiner also submits that Chiang discloses wherein the updating leaves the at least one reference software unchanged as recited by claim 1. (Office Action, page 4). The reference software, which the Examiner submitted is disclosed by hosted original file 110 of computer system 104, is not left unchanged. Chiang discloses that the upgrade client updates the original file block of the remote device by writing the updated file block over the original file block in the original memory area of the remote device. (Abstract). Therefore, the original file is not left unchanged after the update as submitted by the Examiner.

In view of the above, Applicant submits that the above rejection of independent claim 1 under 35 U.S.C. § 102(e) should be withdrawn. Dependent claims 2-7 and 9-11 further define patentably distinct independent claim 1. Accordingly, Applicant believes that these dependent claims are also allowable over the cited reference.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection to the claims, and requests allowance of these claims.

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**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 8 and 12-24 under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of Multer et al., U.S. Patent No. 6,694,336 ("Multer").

Dependent claim 8 further defines patentably distinct independent claim 1.

Accordingly, Applicant believes that this dependent claim is also allowable over the cited references.

Applicant submits that Chiang and Multer, either alone, or in combination, fail to teach or suggest the limitations recited by independent claim 12 including a **software delivery device for receiving and installing a reference software to the electronic device if the electronic device does not have the reference software previously installed; and wherein the updating leaves the reference software unchanged.**

The Examiner admits that Chiang fails to disclose a software delivery device for receiving the installing a reference software to the electronic device if the electronic device does not have the reference software previously installed. The Examiner submits that Multer discloses this claim limitation in Figure 8, column 9, lines 1-20, and column 15, line 57-column 16, line 5. (Office Action, pages 13-14).

**Multer** discloses a difference information receiver, a difference information transmitter, and a difference information synchronizer that cooperate in a system or device to update data in the device with data received from other systems, or provide data for other systems to use in updating themselves. (Col. 3, lines 20-25). The Examiner cited text does not disclose installing a *reference software*. The Examiner cited text merely discloses installation packages and that the installer will check for the presence of given applications, and allow the user to add additional applications. Installing applications does not disclose installing *reference software*, which is separate from *application software*.

The Examiner also submits that Chiang discloses wherein the updating leaves the reference software unchanged as recited by claim 12. (Office Action, page 13). The reference software, which the Examiner submitted is disclosed by hosted original file 110 of computer system 104, is not left unchanged. Chiang discloses that the upgrade client updates the original file block of the remote device by writing the updated file block over the original

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file block in the original memory area of the remote device. (Abstract). Therefore, the original file is not left unchanged after the update as submitted by the Examiner.

In view of the above, Applicant submits that the above rejection of independent claim 12 under 35 U.S.C. § 103(a) should be withdrawn. Dependent claims 13-20 further define patentably distinct independent claim 12. Accordingly, Applicant believes that these dependent claims are also allowable over the cited references.

Applicant submits that Chiang and Multer, either alone, or in combination, also fail to teach or suggest the limitations recited by independent claim 21 including **generating a second update package for updating the at least one software application, the second update package being generated based upon difference information between first and third software versions; generating a third update package for updating the at least one software application, the third update package being generated based upon difference information between the first and second update packages; and updating the at least one software application using the third update package.**

The Examiner submits that original file 110 of first communication system 102 disclosed in Figure 1 of Chiang discloses the first software version recited by claim 21. The Examiner submits that new file 112 of first communications system 102 disclosed in Figure 1 of Chiang discloses both the second software version and the third software version recited by claim 21. (Office Action, pages 18-19). The single element new file 112 disclosed by Chiang cannot disclose both the *second software version* and the *third software version*, which are separate elements within claim 21.

The Examiner also submits that delta file 116 of first communication system 102 disclosed in Figure 1 of Chiang discloses both the first update package and the second update package recited by claim 21. (Office Action, pages 18-19). The single element delta file 116 disclosed by Chiang cannot disclose both the *first update package* and the *second update package*, which are separate elements within claim 21.

The Examiner admits that Chiang fails to disclose generating a third update package, the third update package being generated based upon difference information between the first and second update packages. The Examiner submits that Multer discloses this claim limitation at column 39, lines 62-67. (Office Action, page 19). The Examiner cited text of

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Multer merely discloses that data packages can be merged into larger meta-data packages. Merging data packages into meta-data packages does not disclose *generating a third update package*, the third update package being generated *based upon difference information between the first and second update packages*.

In view of the above, Applicant submits that the above rejection of independent claim 21 under 35 U.S.C. § 103(a) should be withdrawn.

For similar reasons as discussed above with reference to independent claim 21, Applicant submits that Chiang and Multer, either alone, or in combination, also fail to teach or suggest the limitations recited by independent claim 22 including **generating a second update package for updating the at least one software application, the second update package being generated based upon difference information between a second software version and the reference software corresponding to the at least one software application; generating a third update package for updating the at least one software application, the third update package being generated based upon difference information between the first and second update packages; and updating the at least one software application using the third update package.**

In view of the above, Applicant submits that the above rejection of independent claim 22 under 35 U.S.C. § 103(a) should be withdrawn.

For similar reasons as discussed above with reference to independent claim 21, Applicant submits that Chiang and Multer, either alone, or in combination, also fail to teach or suggest the limitations recited by independent claim 23 including **a second update package generator for generating update packages based upon difference information between different update packages; and a software delivery device for delivering at least one update package generated based upon difference information between different update packages to the electronic device.**

In view of the above, Applicant submits that the above rejection of independent claim 23 under 35 U.S.C. § 103(a) should be withdrawn.

For similar reasons as discussed above with reference to independent claim 21, Applicant submits that Chiang and Multer, either alone, or in combination, also fail to teach or suggest the limitations recited by independent claim 24 including **a second update**

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**package generator for generating update packages based upon difference information between different update packages; and a software delivery device for delivering at least one update package generated based upon difference information between different update packages to the electronic device.**

In view of the above, Applicant submits that the above rejection of independent claim 24 under 35 U.S.C. § 103(a) should be withdrawn.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to the claims, and requests allowance of these claims.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-24 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-24 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

Antti Kokkinen,

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